

REMARKS

The allowance of claims 7-17 is appreciated.

Claims 1-18 remain in the application.

Allowable Subject Matter:

The Office Action states that claims 7-17 are objected to for being dependent on a rejected base claim.

However, it should be noted that claim 7 is an independent claim and does not depend on any other claim. Claims 8-17 depend from claim 7.

Further, claims 7-17 were allowed by the previous Office Action that was mailed on September 29, 2004.

Applicant has not amended or changed claims 7-17 in any manner since the allowance in the previous Office Action. Thus, it is respectfully submitted that claims 7-17 should stand allowable as stated in the September 29, 2004 Office Action.

35 USC 103 Rejection:

Claims 1-6 and 18 were rejected under 35 U.S.C. 103 over U.S. patent no. 5,961,426 issued to Spector ("Spector") in view of U.S. patent no. 5,961,426 issued to Motosko ("Motosko"). This rejection is respectfully traversed. Claim 1 includes, among other things, a resilient outer cover integral to the bop-bag and devoid of an inflation stem projecting through a slit in a top area of the resilient outer cover.

The rejection in the Office Action does not address this structural limitation that differentiates claim 1 from the combined references of Spector and Motosko.

Spector discloses in column 4, lines 1-8, that a balloon is inserted inside of the fabric cover and that an inflation stem of the balloon projects through a slit in the fabric cover. Thus, Spector discloses exactly the opposite of what is called for in amended claim 1. Combining Motosko with Spector can not make up for this deficiency of Spector. Accordingly, it is respectfully submitted that the combined relied on references are deficient in making obvious claim 1.

Claims 2 through 6 and 18 depend from claim 1 and are believed to be allowable for at least the same reasons as claim 1.

Also, claim 3 includes, among other things, torso wider than either the head section or neck section. The Office Action indicates that this limitation is function and not structural. However, applicant respectfully submits that the required dimension relationships called for in claim 3 require a specific structure and thus are structural and not functional limitations. Accordingly, it is respectfully submitted that the combined relied on references can not make claim 3 obvious.

Additionally, claim 6 calls for, among other features, formed from polyvinyl chloride. The Office Action indicates that this limitation is function and not structural. However, applicant respectfully submits that forming the resilient outer cover from polyvinyl chloride results in requiring a specific type of material for the resilient outer cover, thus, is a limitation on the structure. Accordingly, it is respectfully submitted that claim 6 is not made obvious by the combined relied on references.

Further, claim 18 includes, at least, devoid of a balloon within the resilient outer cover wherein the inflation stem is a portion of the balloon for inflating the balloon. Spector teaches in column 4, lines 1-8, that a

balloon is inserted inside of the fabric cover and that an inflation stem of the balloon projects through a slit in the fabric cover. Thus, Spector teaches exactly the opposite of what is called for in claim 18. Combining Motosko with Spector does not make-up for this deficiency. Accordingly, it is respectfully submitted that the combined relied on references do not make claim 18 obvious.



CONCLUSION

Applicant made an earnest attempt to place this case in condition for allowance. In view of all of the above, it is believed that the claims are allowable, and that the case is now in condition for allowance, which action is earnestly solicited.

It is believed that no fees are due for this amendment.

Respectfully submitted,

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